

110TH CONGRESS  
2D SESSION

# S. 3073

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2008

Referred to the Committee on House Administration

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## AN ACT

To amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROCEDURES FOR COLLECTION AND DELIV-**  
 2 **ERY OF MARKED ABSENTEE BALLOTS OF AB-**  
 3 **SENT OVERSEAS UNIFORMED SERVICES VOT-**  
 4 **ERS.**

5 (a) PROCEDURES.—

6 (1) IN GENERAL.—The Uniformed and Over-  
 7 seas Citizens Absentee Voting Act (42 U.S.C. 1973ff  
 8 et seq.) is amended by inserting after section 103  
 9 the following new section:

10 **“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY**  
 11 **OF MARKED ABSENTEE BALLOTS OF ABSENT**  
 12 **OVERSEAS UNIFORMED SERVICES VOTERS.**

13 “(a) COLLECTION.—The Presidential designee shall  
 14 establish procedures for collecting marked absentee ballots  
 15 of absent overseas uniformed services voters in regularly  
 16 scheduled general elections for Federal office, including  
 17 absentee ballots prepared by States and Federal write-in  
 18 absentee ballots prescribed under section 103, and for de-  
 19 livering the ballots to the appropriate election officials.

20 “(b) ENSURING DELIVERY PRIOR TO CLOSING OF  
 21 POLLS.—

22 “(1) IN GENERAL.—Under the procedures es-  
 23 tablished under this section, the Presidential des-  
 24 ignee shall ensure that any marked absentee ballot  
 25 for a regularly scheduled general election for Federal  
 26 office which is collected prior to the deadline de-

1 scribed in paragraph (3) is delivered to the appro-  
2 priate election official in a State prior to the time  
3 established by the State for the closing of the polls  
4 on the date of the election.

5 “(2) CONTRACT WITH EXPRESS MAIL PRO-  
6 VIDERS.—

7 “(A) IN GENERAL.—The Presidential des-  
8 ignee shall carry out this section by contract  
9 with one or more providers of express mail serv-  
10 ices.

11 “(B) SPECIAL RULE FOR VOTERS IN JU-  
12 RISDICTIONS USING POST OFFICE BOXES FOR  
13 COLLECTION OF MARKED ABSENTEE BAL-  
14 LOTS.—In the case of an absent uniformed  
15 services voter who wishes to use the procedures  
16 established under this section and whose  
17 marked absentee ballot is required by the ap-  
18 propriate election official to be delivered to a  
19 post office box, the Presidential designee shall  
20 enter into an agreement with the United States  
21 Postal Service for the delivery of the ballot to  
22 the election official under the procedures estab-  
23 lished under this section.

24 “(3) DEADLINE DESCRIBED.—

1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B), the deadline described in  
3           this paragraph is noon (in the location in which  
4           the ballot is collected) on the last Tuesday that  
5           precedes the date of the election.

6           “(B) AUTHORITY TO ESTABLISH ALTER-  
7           NATIVE DEADLINE FOR CERTAIN LOCATIONS.—  
8           If the Presidential designee determines that the  
9           deadline described in subparagraph (A) is not  
10          sufficient to ensure timely delivery of the ballot  
11          under paragraph (1) with respect to a par-  
12          ticular location because of remoteness or other  
13          factors, the Presidential designee may establish  
14          as an alternative deadline for that location the  
15          latest date occurring prior to the deadline de-  
16          scribed in subparagraph (A) which is sufficient  
17          to ensure timely delivery of the ballot under  
18          paragraph (1).

19          “(4) PROHIBITION ON REFUSAL BY STATES TO  
20          ACCEPT MARKED ABSENTEE BALLOTS NOT DELIV-  
21          ERED BY POSTAL SERVICE OR IN PERSON.—A State  
22          may not refuse to accept or process any marked ab-  
23          sentee ballot delivered under the procedures estab-  
24          lished under this section on the grounds that the

1 ballot is received by the State other than through  
2 delivery by the United States Postal Service.

3 “(c) TRACKING MECHANISM.—Under the procedures  
4 established under this section, the entity responsible for  
5 delivering marked absentee ballots to the appropriate elec-  
6 tion officials shall implement procedures to enable any in-  
7 dividual whose ballot for a regularly scheduled general  
8 election for Federal office is collected by the Presidential  
9 designee to determine whether the ballot has been deliv-  
10 ered to the appropriate election official, using the Internet,  
11 an automated telephone system, or such other methods as  
12 the entity may provide.

13 “(d) ABSENT OVERSEAS UNIFORMED SERVICES  
14 VOTER DEFINED.—In this section, the term ‘absent over-  
15 seas uniformed services voter’ means an overseas voter de-  
16 scribed in section 107(5)(A).

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to the Presidential des-  
19 ignee such sums as may be necessary to carry out this  
20 section.”.

21 (2) EFFECTIVE DATE.—Section 103A of the  
22 Uniformed and Overseas Citizens Absentee Voting  
23 Act, as added by this subsection, shall apply with re-  
24 spect to each regularly scheduled general election for  
25 Federal office held on or after November 1, 2010.

1 (b) CONFORMING AMENDMENTS.—

2 (1) FEDERAL RESPONSIBILITIES.—Section  
3 101(b) of such Act (42 U.S.C. 1973ff(b)) is amend-  
4 ed—

5 (A) by striking “and” at the end of para-  
6 graph (6);

7 (B) by striking the period at the end of  
8 paragraph (7) and inserting “; and”; and

9 (C) by adding at the end the following new  
10 paragraph:

11 “(8) carry out section 103A with respect to the  
12 collection and delivery of marked absentee ballots of  
13 absent overseas uniformed services voters in elec-  
14 tions for Federal office.”.

15 (2) STATE RESPONSIBILITIES.—Section 102(a)  
16 of such Act (42 U.S.C. 1973ff—1(a)) is amended—

17 (A) by striking “and” at the end of para-  
18 graph (4);

19 (B) by striking the period at the end of  
20 paragraph (5) and inserting “; and”; and

21 (C) by adding at the end the following new  
22 paragraph:

23 “(6) carry out section 103A(b)(2) with respect  
24 to the processing and acceptance of marked absentee

1       ballots of absent overseas uniformed services vot-  
2       ers.”.

3       (c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED  
4 SERVICES VOTERS ON PROCEDURES.—The Presidential  
5 designee shall take appropriate actions to inform individ-  
6 uals who are anticipated to be absent overseas uniformed  
7 services voters in the regularly scheduled general election  
8 for Federal office held in November 2008 of the proce-  
9 dures for the collection and delivery of marked absentee  
10 ballots established pursuant to section 103A of the Uni-  
11 formed and Overseas Citizens Absentee Voting Act, as  
12 added by subsection (a), including the manner in which  
13 such voters may utilize such procedures for the submittal  
14 of marked absentee ballots in regularly scheduled elections  
15 for Federal office.

16       (d) REPORTS ON UTILIZATION OF PROCEDURES.—

17           (1) REPORTS REQUIRED.—Not later than 180  
18 days after each regularly scheduled general election  
19 for Federal office held after January 1, 2008, the  
20 Presidential designee shall submit to the congres-  
21 sional defense committees a report on the utilization  
22 of the procedures for the collection and delivery of  
23 marked absentee ballots established pursuant to sec-  
24 tion 103A of the Uniformed and Overseas Citizens

1 Absentee Voting Act, as so added, during such gen-  
2 eral election.

3 (2) ELEMENTS.—Each report under paragraph  
4 (1) shall include, for the general election covered by  
5 such report, a description of the utilization of the  
6 procedures described in that paragraph during such  
7 general election, including the number of marked ab-  
8 sentee ballots collected and delivered under such pro-  
9 cedures.

10 (e) REPORT ON STATUS OF IMPLEMENTATION.—

11 (1) REPORT REQUIRED.—Not later than one  
12 year after the date of the enactment of this Act, the  
13 Presidential designee shall submit to the congres-  
14 sional defense committees a report on the status of  
15 the implementation of the program for the collection  
16 and delivery of marked absentee ballots established  
17 pursuant to section 103A of the Uniformed and  
18 Overseas Citizens Absentee Voting Act, as added by  
19 subsection (a).

20 (2) ELEMENTS.—The report under paragraph  
21 (1) shall include a status of the implementation of  
22 the program and a detailed description of the spe-  
23 cific steps taken towards its implementation for No-  
24 vember 2009 and November 2010.

25 (f) DEFINITIONS.—In this section:



1           (1) The term “absent overseas uniformed serv-  
 2           ices voter” has the meaning given that term in sec-  
 3           tion 103A(d) of the Uniformed and Overseas Citi-  
 4           zens Absentee Voting Act, as added by subsection  
 5           (a).

6           (2) The term “Presidential designee” means the  
 7           official designated under section 101(a) of the Uni-  
 8           formed and Overseas Citizens Absentee Voting Act  
 9           (42 U.S.C. 1973ff(a)).

10          (3) The term “congressional defense commit-  
 11          tees” means—

12                   (A) the Committee on Armed Services and  
 13                   the Committee on Appropriations of the Senate;  
 14                   and

15                   (B) the Committee on Armed Services and  
 16                   the Committee on Appropriations of the House  
 17                   of Representatives.

18 **SEC. 2. PROHIBITION ON REFUSAL TO ACCEPT VOTER REG-**  
 19 **ISTRATION AND ABSENTEE BALLOT APPLICA-**  
 20 **TIONS AND FEDERAL WRITE-IN ABSENTEE**  
 21 **BALLOTS FOR FAILURE TO MEET NON-**  
 22 **ESSENTIAL REQUIREMENTS.**

23          (a) VOTER REGISTRATION AND ABSENTEE BALLOT  
 24          APPLICATIONS.—

1           (1) PROHIBITING REFUSAL TO ACCEPT APPLI-  
2           CATIONS FOR FAILURE TO MEET NONESSENTIAL RE-  
3           QUIREMENTS.—Section 102 of the Uniformed and  
4           Overseas Citizens Absentee Voting Act (42 U.S.C.  
5           1973ff–1) is amended by adding at the end the fol-  
6           lowing new subsection:

7           “(e) PROHIBITING REFUSAL TO ACCEPT APPLICA-  
8           TIONS FOR FAILURE TO MEET NONESSENTIAL REQUIRE-  
9           MENTS.—A State shall accept and process any otherwise  
10          valid voter registration application or absentee ballot ap-  
11          plication (including the official post card form prescribed  
12          under section 101) submitted in any manner by an absent  
13          uniformed services voter or overseas voter that contains  
14          the information required on the official post card form  
15          prescribed under section 101 (other than information  
16          which the Presidential designee, in consultation with the  
17          Election Assistance Commission and the Election Assist-  
18          ance Commission Board of Advisors under section 214 of  
19          the Help America Vote Act of 2002 (42 U.S.C. 15344),  
20          determines, under regulations promulgated by the Presi-  
21          dential designee, is not clearly necessary to prevent fraud  
22          in the conduct of elections).”.

23           (2) EFFECTIVE DATE.—Subsection (e) of sec-  
24          tion 102 of the Uniformed and Overseas Citizens  
25          Absentee Voting Act, as added by this subsection,

1 shall apply with respect to each regularly scheduled  
2 general election for Federal office held on or after  
3 November 1, 2010.

4 (b) FEDERAL WRITE-IN ABSENTEE BALLOT.—

5 (1) PROHIBITING REFUSAL TO ACCEPT BALLOT  
6 FOR FAILURE TO MEET NONESSENTIAL REQUIRE-  
7 MENTS.—Section 103 of such Act (42 U.S.C.  
8 1973ff-2) is amended—

9 (A) by redesignating subsection (f) as sub-  
10 section (g); and

11 (B) by inserting after subsection (e) the  
12 following new subsection:

13 “(f) PROHIBITING REFUSAL TO ACCEPT BALLOT  
14 FOR FAILURE TO MEET NONESSENTIAL REQUIRE-  
15 MENTS.—A State shall accept and process any otherwise  
16 valid Federal write-in absentee ballot submitted in any  
17 manner by an absent uniformed services voter or overseas  
18 voter that contains the information required to be sub-  
19 mitted with such ballot by the Presidential designee (other  
20 than information which the Presidential designee, in con-  
21 sultation with the Election Assistance Commission and the  
22 Election Assistance Commission Board of Advisors under  
23 section 214 of the Help America Vote Act of 2002 (42  
24 U.S.C. 15344), determines, under regulations promul-

1 gated by the Presidential designee, is not clearly necessary  
2 to prevent fraud in the conduct of elections).”.

3 (2) EFFECTIVE DATE.—Subsection (f) of sec-  
4 tion 102 of the Uniformed and Overseas Citizens  
5 Absentee Voting Act, as amended by this subsection,  
6 shall apply with respect to each regularly scheduled  
7 general election for Federal office held on or after  
8 November 1, 2010.

Passed the Senate October 1 (legislative day, Sep-  
tember 17), 2008.

Attest:

NANCY ERICKSON,  
*Secretary.*